



Natural Resources Conservation Service
1201 NE Lloyd Blvd., Suite 900
Portland, Oregon 97232

March 13, 2007

OREGON BULLETIN OR 180-2007-3

SUBJECT:. CPA - NFSAM – Guidance on NRCS Wetland Conservation - Technical Assistance - Policy and guidance for developing plans for use in the mitigation provisions described in Chapter 517 of the NFSAM

Purpose: Clarification of Oregon NRCS guidance with respect to mitigation plan development.

Expiration Date: September 28, 2008

Background: Under the NFSAM, NRCS has a technical assistance responsibility for HELC and WC provisions. Wetland conservation provisions of the 1985 and subsequent Farm Bills and Section 404 of the Clean Water Act require landowners and producers to protect wetlands on land they own or operate.

The 1985 Act allows NRCS to approve on a limited basis a mitigation exemption for wetland functions and values lost by wetland conversion when an agreed upon mitigation plan is developed and implemented. The plan enables the persons to re-establish lost wetland functions and values of a converted wetland (CW) or proposed converted wetland, either on-site or on another site. The person will not be eligible for USDA farm program benefits until the wetland's functions and values are restored according to the conditions of the approved mitigation plan.

Guidance: Oregon NRCS will provide the following technical assistance to persons seeking a wetland mitigation plan. Oregon NRCS will:

1. Conduct a wetland functional assessment using approved procedures to determine the level at which the wetland functions are operative and the impact of the conversion activities on those wetland functions (See 526.64).
2. Direct requests for mitigation planning assistance to another party to develop a wetland mitigation plan that will restore the lost wetland functions. NRCS will not develop the mitigation plan or conduct restoration activities. The operator is responsible for securing these

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services from a private source and all associated costs. See exception below

3. Provide review and concurrence of the mitigation plan developed by an outside source and verify the terms and conditions for mitigating wetland functions and values on the converted wetland.
4. Conduct a site visit after the mitigation plan is fully implemented, to ensure the wetland restoration project is completed according to the concurred plan. Site visits during construction and planting shall be limited due to increasing liability with each site visit.
5. Resume delivery of NRCS technical assistance upon full implementation of the mitigation plan.

NRCS could elect to develop the wetland mitigation plan provided the person is interested in participating in NRCS programs and agrees to develop a conservation plan to NRCS specifications for their entire operation. The NRCS decision to develop the wetland mitigation plan is contingent on the availability of technical assistance time and resources. Costs associated with implementation of the mitigation plan and associated activities are the responsibility of the landowner or operator. NRCS financial assistance cannot be provided until the wetland mitigation plan is fully implemented.

If additional information is needed, contact Bill White at 503-414-3085 or Russ Hatz at 503-414-3235.



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